REMARKS

Claims 11-13, 15 and 21 are currently active.

Claims 14 and 16-20 have been cancelled.

The above-identified patent application is a file wrapper continuation of U.S. Patent Application Serial No. 07/206,497.

The title of the invention has been amended to be clearly indicative of the invention to which the claims are directed.

Applicant's invention is a method for transmitting a desired digital, video or audio signal stored on a first memory to a second memory. The method comprises the steps of charging a fee by a first party controlling use of the first memory to a second party financially distinct from the first party. The second party is in control and in possession of the second memory. Additionally, the method comprises the step of then connecting the first memory with the second memory such that the digital signal can pass therebetween. Next, there is the step of transmitting the digital signal from the first memory with a transmitter in control and in possession of the first party to a receiver having the second memory at a location determined by the second party. The receiver is in possession and in control of

the second party. There is also the step of then storing the digital signal in the second memory.

The Examiner has rejected Claims 11-18 under 35 U.S.C. §102(b) as being anticipated by Lightner. Applicant respectfully traverses this rejection.

Referring to Lightner, there is disclosed a vending system for remotely accessible stored information. The vending system includes a central station in which various information stored on master recordings can be selectively accessed by purchasers from any of multiple remote vending machines. The accessed information is reproduced on cartridge type storage media at that vending machine. Once currency or a credit card is received by the vending machine, the selected information is transferred to the cartridge. After transmission is complete, the cartridge is then ejected from the vending machine and received by the purchaser to be then controlled by the purchaser.

There is no teaching or suggestion in Lightner of the "second memory" to which the digital signal is transmitted to be "in control and in possession" by the "second party". Furthermore, there is no teaching or suggestion in Lightner for the "receiver" having the second memory being "in possession and in control of the second party" and "at a location determined by the second party" as found in applicant's Claim 15.

Lightner actually teaches away from applicant's claimed invention. Lightner teaches vending machines which have in them blank tape cassettes which receive the transmitted signal from the master tape. When payment is complete, the cassette is then ejected from the vending machine to the consumer. See lines 25-37 of column 2. Thus, these blank tape cassettes are not "in possession of the second party". The vending machines themselves are "in the possession of the "first party controlling use of the first memory" and not "in the possession of the second party". This is a substantive distinction between applicant's claimed invention and the prior art. Applicant's claimed method allows "a second party" to have a desired signal transmitted to a "receiver . . . in possession of the second party . . . at a location determined by the second party". This means, for instance, in the pleasure of the second party's home, the second party can simply telephone the "first party" and obtain desired signals immediately and conveniently. The "second party" does not have to leave his house and go to a vending machine location is chosen by the first party who is in possession of the vending machine. Accordingly, Lightner does not anticipate Claim 15 and is patentable. Claim 21 is dependent to parent Claim 15 and has all the limitations thereof. Since Claim 15 is patentable, so is Claim 21.

Claim 11 is patentable for the reasons Claim 15 is patentable. Claims 12 and 13 are dependent to parent Claim 11

and have the limitations thereof. Since Claim 11 is patentable, so are Claims 12 and 13.

The Examiner has rejected Claims 11, 14, 17, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by Hughes. Applicant respectfully traverses this rejection.

Referring to Hughes, there is disclosed a coin operated recording machine. The coin operated recording machine allows a consumer to record on his audio or video magnetic tape cartridge at a selected audio video recording stored in the machine upon insertion of the appropriate coins in much the same manner as a conventional juke box. There is no teaching or suggestion in Hughes of the "receiver" being "in possession of the second party . . . at a location determined by the second party". Hughes actually teaches away from applicant's claimed invention since the recording apparatus is taught to be in possession of the "first party controlling use of the first memory" not the "second party in possession of the second memory". Essentially for the reasons set forth as to why applicant's claimed invention is patentable over Lightner, applicant's claimed invention is also patentable over Hughes. Accordingly, Hughes does not anticipate or make obvious applicant's Claim 11. Claims 12 and 13 are dependent to parent Claim 11 and have all the limitations thereof. Since Claim 11 is patentable, so are Claims 12 and 13.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 03-2411. A duplicate copy of this Amendment is enclosed.

In view of the foregoing amendments and remarks, it is respectfully requested that Claims 11-13, 15 and 21, now in this application, be allowed.

Respectfully submitted,

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